

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KARAMJEET S. PAUL,

Petitioner,

v.

DAVID L. WINN, Warden, Federal Medical Center, Devens,

Respondent.

Civil Action No. 04-CV-40037-RCL

**RESPONDENT'S NOTICE TO THE COURT
REGARDING THE COURT'S PROCEDURAL ORDER OF SEPTEMBER 15, 2004,
AND REPLY TO PETITIONER'S PARTIAL OBJECTION AND REQUEST
TO CORRECT THE MAGISTRATE'S REFERENCE TO THE RELIEF REQUESTED**

On September 27, 2004, undersigned counsel for the Respondent was notified that the Solicitor General of the United States will not seek Rehearing En Banc before the Court of Appeals for the First Circuit of that Court's holding in Goldings v. Winn, ___ F.3d ___, 2004 WL 2005625 (1st Cir. September 3, 2004), pursuant to Fed. R App. P. 40(a)(1) and 35(c). Therefore, Respondent has no grounds to object to this Court's view of what the Petitioner is entitled to under Goldings v. Winn, as explained in this Court's Procedural Order of September 15, 2004.

The Bureau of Prisons, through Respondent Warden Winn, is aware of Petitioner's status and will act promptly and in good faith to reconsider Petitioner for placement into a CCC, consistent with the BOP policy and practice of FMC Devens prior to the December 2002 policy change, which limited such placements to the last 10% of a sentence.

The Respondent concurs with this Court's reading of Goldings v. Winn as it apply's to

the Petitioner in this action, and does not believe that any correction to this Court's Procedural Order is required as requested by the Petitioner.

Respectfully submitted,

For the Respondent
DAVID L. WINN

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Anton P. Giedt
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DATED: September 28, 2004

LOCAL RULE 7.1(A)(2) CERTIFICATE

I, Anton P. Giedt, Assistant U.S. Attorney, respectfully request leave from compliance with Local Rule 7.1(A)(2) as Petitioner is incarcerated, acting *pro se*, and is not represented by counsel.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
DATE: September 28, 2004

I, Anton P. Giedt, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing upon the Petitioner by First Class Mail.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

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